

ORDINANCE NO. 5508

AN ORDINANCE AMENDING SECTION 13-92 AND SECTION 13-93
OF THE CODE OF TUSCALOOSA PERTAINING TO
SMOKING IN PUBLIC PLACES

SECTION 1. That Sec. 13-92 Definitions of the City Code of Tuscaloosa be, and the same is hereby, amended as follows:

Sec. 13-92. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Municipal agency: An organization, association, corporation (whether for-profit or non-profit), agency (whether public or quasipublic), person or firm, that applies for and receives an annual appropriation (whether in one (1) lump sum or otherwise) by agency funding agreement or equivalent from the city for the performance of cultural, educational, civic, historical, philanthropic, health, recreation, transportation or other functions that the city is authorized to appropriate funds for or to otherwise perform itself.

Municipal agency facility: Those enclosed areas of any building, complex or facility or portion thereof, leased, operated or controlled by a municipal agency.

Municipal facility: Those enclosed areas of any building complex or facility or portion thereof owned, leased, operated or controlled by the city.

Service line: Any indoor of a restaurant, retail business or financial institution at which one (1) or more persons are waiting for or receiving service of any kind, regardless of whether such services involve the exchange of money.

Smoke or smoking: The possession, whether actual or constructive, of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment or device, and/or emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind or any other lighted smoking equipment or device."

SECTION 2. That Sec. 13-93. "Prohibited acts" of the City Code be, and it is hereby amended to read as follows:

- (a) It shall be unlawful and a violation of this article for any person to:
- (1) Smoke in any bus or public passenger carrier (except taxicabs, limousines, private charter buses) not engaged in interstate commerce.
 - (2) Smoke in any elevator which is not in a private residence.
 - (3) Smoke in a service line, [at] a meat or produce counter, or in a cashier or check-out line.
 - (4) Smoke in a municipal facility.
 - (5) Smoke in a spectator area of a theatre or movie house other than a dinner theater.
 - (6) Smoke in any area in violation of any law, ordinance, regulation or code.
 - (7) Smoke in a municipal agency facility.
 - (8) The above provisions shall not apply to the following:
 - (a) Performers upon stage, provided that the smoking is part of a theatrical production.
 - (b) An entire room or hall which would otherwise be a public place, but which is being utilized for private social functions, provided that the event is under the control of the sponsor of the function."

Adopted 02-13-1997